

United States
Circuit Court of Appeals
For the Ninth Circuit. 4

CIRO CONETTO,

Plaintiff in Error,

vs.

THE UNITED STATES OF AMERICA,

Defendant in Error.

Transcript of Record.

Upon Writ of Error to the Southern Divisions of the
United States District Court of the
Northern District of California,
First Division.

FILED

DEC 14 1917

F. D. MONCKTON,
CLERK.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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Names and Addresses of Attorneys.

For the United States:

JOHN W. PRESTON, Esq., U. S. Attorney.

For the Defendant:

NATHAN C. COGHLAN, Esq., 68 Post St.,
San Francisco, California.

*In the Southern Division of the United States
District Court, for the Northern District of
California.*

CLERK'S OFFICE—No. 213.

UNITED STATES OF AMERICA

vs.

CIRO CONETTO.

Praeceptum for Transcript of Record.

To the Clerk of Said Court:

Sir: Please make transcripts of the following
papers and orders on file herein:

Bill of Exceptions.

Petition for Writ of Error.

Writ of Error (Original).

Order Allowing Writ of Error.

Citation on Writ of Error (Original).

Assignment of Errors.

Order Extending Time to File Record and Docket
Case.

Minute Orders under dates of September 13th, 15th,
17th and 29th, all in 1917.

Order of Removal.

Bond on Writ of Error.

NATHAN C. COGHLAN,
Attorney for Defendant.

[Endorsed]: Filed Nov. 9, 1917. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [1*]

*In the District Court of the United States, in and for
the Northern District of California, First Divi-
sion.*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIRO CONETTO,

Defendant.

Bill of Exceptions.

BE IT REMEMBERED, that on the 17th day of September, 1917, at a regular term of this Court held in the city of San Francisco, State of California, the above-entitled cause came on regularly for hearing on the application of the United States of America, plaintiff, for an order removing the defendant herein from the said Northern District of California to the jurisdiction of the United States District Court for the Southern District of Florida, the United States appearing by Mrs. A. A. Adams, Assistant United States Attorney for the Northern District of California, and the defendant, *Ciro Conetto*, appearing in person and by *Nathan C. Coghlan*, his attorney.

*Page-number appearing at foot of page of original certified Transcript of Record.

AND BE IT FURTHER REMEMBERED that at said hearing there was introduced and received in evidence upon behalf of the plaintiff the commitment of the Hon. Francis Krull, United States Commissioner for the Northern District of California at San Francisco, together with the order of the said commissioner dated September 15, 1917, finding probable cause to believe that the offense complained of had been committed and that the defendant *Ciro Conetto* was guilty thereof, and ordering him committed to the custody of the United States Marshal to await the order of the Judges of the United States District Court for this district, and the evidence upon [2] which said commitment and order were based, which said commitment was and is in words and figures following, to wit:

Commitment.

“Before Francis Krull, United States Commissioner for the Northern District of California, at San Francisco.

United States of America,
Northern District of California,
City and County of San Francisco,—ss.

The President of the United States of America to the United States Marshal for the Northern District of California, and to the Keeper of the Jail of the City and County of San Francisco, State of California:

WHEREAS, *Ciro Conetto* has been examined by me, Francis Krull, a United States Commissioner for the Northern District of California, at San

Francisco, on the charging of having, on or about the 5th day of Dec. 1916, at the City of Jacksonville, and in the Southern District of Florida, in violation of Section 29, Clause D. Sub. 1, of the Bankruptcy Act of 1898, concealed from trustee in bankruptcy from the estate of *Ciro Conetto*, a bankrupt, certain property belonging to the estate of said bankrupt and said *Ciro Conetto* having fled from said Southern District of Florida into this judicial district; and there was found by me, the commissioner, probable cause to believe the said *Ciro Conetto* guilty as charged, and

WHEREAS, said *Ciro Conetto* has been required to furnish bail in the sum of One Thousand Dollars for his appearance before the District Court of the United States in and for the said district whence he fled, then and there to answer the aforesaid charge, which requisition he has failed to comply with; now, therefore

This is to command you, the said marshal, in the name and by the authority aforesaid, to commit the said *Ciro Conetto* to the custody of the keeper of the jail of the said City and County of San Francisco, State of California, and to command you the said keeper of said jail, to receive the said *Ciro Conetto* prisoner of [3] the United States of America, and him there safely keep to abide the order of the Judges of the District Court of the United States for this district.

WITNESS my hand and the seal this 15th day of Sept. 1917.

[Commissioner Seal] FRANCIS KRULL,
United States Commissioner as aforesaid."

And which said order was and is in words and figures following, to wit:

Order of U. S. Commissioner Holding Defendant to Answer.

“It appearing to me that the offense herein complained of has been committed and there being sufficient reason to believe the defendant *Ciro Conetto* guilty thereof, I order that he be held to answer the same; that he be admitted to bail in the sum of One Thousand (\$1000) Dollars for his appearance for trial upon said charge before the United States District Court for the Southern District of Florida upon the first day of the next regular term thereof, and that he be committed to the custody of the United States Marshal until such bail be given or he be otherwise legally discharged and to await the order of the Judges of the U. S. District Court for this district.

September 15, 1917.

FRANCIS KRULL,

United States Commissioner, Northern Dist. of California.”

AND BE IT FURTHER REMEMBERED that at said hearing there was introduced and received in evidence on behalf of plaintiff a certified copy of an indictment found and returned by the grand jurors of the United States of America in and for the Southern District of Florida, which said indictment was and is in words and figures following, to wit: [4]

Indictment.

In the District Court of the United States of America, in and for the Southern District of Florida.

Regular February Term There A. D. 1917.

Held at Tampa, Florida.

“The grand jurors of the United States of America, duly impaneled, sworn and charged to inquire within and for the Southern District of Florida, upon their oaths present:

That on, to wit, December 5th, 1916, in the district aforesaid and within the jurisdiction of this Court, *Ciro Conetto* and *Alfonzo Conetto*, copartners trading and doing business as *C. Conetto & Brother*, filed a voluntary petition in bankruptcy; that thereafter, on, to wit, December 6th, 1916, the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, were duly adjudicated bankrupts within the meaning and purview of the act of Congress of the United States of America; that thereafter regular proceedings for the administration of said bankrupt estate were had and that *Maxwell Baxter* having been duly assigned as trustee in bankruptcy for the estate of the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, and that thereafter, on to wit, January 6, 1917, the said *Maxwell Baxter* so having been duly designated as trustee of said estate as aforesaid then and there duly qualified as such trustee and entered into a bond as such trustee, which said bond was thereafter duly approved by *T. M. Shackelford, Jr.*, the said *T. M.*

Shackleford, Jr., then and there being a Referee in Bankruptcy for said district; that after the filing of the said voluntary petition in bankruptcy and after the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, had been duly adjudicated a bankrupt, but before the appointment and [5] qualification of said *Maxwell Baxter* as trustee in said bankruptcy proceedings, the said *Ciro Connetto* and *Alfonzo Connetto* unlawfully and fraudulently did conceal certain property belonging to the said estate in bankruptcy of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid and bankrupt as aforesaid, which said property consisted of and was in fact, to wit: Fifteen (15) cases of certain merchandise known and described as canned tomatoes the same then and there being tomatoes put up and sealed ready for sale in tin cans and the same then and there being packed or enclosed *on* wooden cases or boxes, the said tomatoes then and there bearing the brand and being known as *Castle Haven* tomatoes, a further description of said goods being to the grand jurors unknown; that the said merchandise above described in fact belonged to the bankrupt estate of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, and was in their possession and under their control, and was concealed as aforesaid within the Southern District of Florida, to wit, December 5th, 1916, by them, the said *Ciro Connetto* and *Alfonzo Connetto*, and that thereafter, after the qualification of the said *Maxwell Baxter* as trustee by giving bond as aforesaid, the said *Ciro Connetto* and

Alfonzo Connetto have not, nor have either of them disclosed to the said Maxwell Baxter the possession by them, the said *Ciro Connetto* and *Alfonzo Connetto*, of the said merchandise above described, and did not and have not turned over and delivered to the said Maxwell Baxter, trustee as aforesaid, the said merchandise as above described, or accounted to him for the same; that at the time of concealment by them, the said *Ciro Connetto* and *Alfonzo Connetto* of the said merchandise above described, to wit, fifteen (15) cases of Castle Haven tomatoes above described, the same in fact belonged to the bankrupt [6] estate of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, as they, the said *Ciro Connetto* and *Alfonzo Connetto*, then and there well knew, that no accounting has up to this date been made to the said Maxwell Baxter, trustee, of and for the said 15 cases of Castle Haven tomatoes above described; contrary to the form of the statute of the said United States in such case made and provided and against the peace and dignity of the United States of America.

SECOND COUNT.

And the grand jurors aforesaid upon their oaths aforesaid, do further present:

That on, to wit, December 5th, 1916, in the district aforesaid and within the jurisdiction of this Court, *Ciro Connetto* and *Alfonzo Connetto*, copartners trading and doing business as *C. Connetto & Brother*, filed a voluntary petition in bankruptcy; that thereafter, on, to wit, December 6th, 1916, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as

aforesaid, were duly adjudicated bankrupts within the meaning and purview of the act of Congress of the United States of America; that thereafter regular proceedings for the administration of said bankrupt estate were had and that Maxwell Baxter having been duly designated as trustee in bankruptcy for the estate of the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, and that thereafter, on, to wit, January 6, 1917, the said Maxwell Baxter so having been duly designated as trustee of said estate as aforesaid then and there duly qualified as such trustee and entered into a bond as such trustee, which said bond was thereafter duly approved by [7] *T. M. Shackelford, Jr.*, the said *T. M. Shackelford, Jr.*, then and there being a Referee in Bankruptcy for said district; that after the filing of the said voluntary petition in bankruptcy and after the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, had been duly adjudicated a bankrupt, but before the appointment and qualification of said Maxwell Baxter as trustee in said bankruptcy proceedings, the said *Ciro Connetto* and *Alfonzo Connetto* unlawfully and fraudulently did conceal certain property belonging to the said estate in bankruptcy of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid and bankrupt as aforesaid, which said property consisted of and was in fact, to wit, Twenty-five (25) cases of certain merchandise known and described as canned tomatoes the same then and there being tomatoes put up and sealed ready for sale in tin cans and the same then and there being packed or enclosed *on* wooden

cases or boxes, the said tomatoes then and there bearing the brand and being known as Maryland Chief tomatoes, a further description of said goods being to the grand jurors unknown; that the said merchandise above described in fact belonged to the bankrupt estate of them, the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, and was in their possession and under their control, and was concealed as aforesaid within the Southern District of Florida, to wit, December 5th, 1916, by them, the said *Ciro Conetto* and *Alfonzo Conetto*, and that thereafter, after the qualification of the said *Maxwell Baxter* as trustee by giving bond as aforesaid the said *Ciro Conetto* and *Alfonzo Conetto* have not, nor have either of them disclosed to the said *Maxwell Baxter* the possession by them, the said *Ciro Conetto* and *Alfonzo Conetto*, of the said merchandise above described, and did not and have not [8] turned over and delivered to the said *Maxwell Baxter*, trustee as aforesaid, the said merchandise as above described, or accounted to him for the same; that at the time of the concealment by them, the said *Ciro Conetto* and *Alfonzo Conetto*, of the said merchandise above described, to wit,

Twenty-five (25) cases of Maryland Chief Tomatoes, above described, the same in fact belonged to the bankrupt estate of them, the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, as they, the said *Ciro Conetto* and *Alfonzo Conetto*, then and there well knew, that no accounting has up to this date been made to the said *Maxwell Baxter*, trustee,

of and for the said 25 cases of Maryland Chief Tomatoes above described; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

THIRD COUNT.

And the grand jurors aforesaid upon their oaths aforesaid, do further present:

That on, to wit, December 5th, 1916, in the district aforesaid and within the jurisdiction of this court, Ciro Connetto and Alfonzo Connetto, copartners trading and doing business as C. Connetto & Brother, filed a voluntary petition in bankruptcy; that thereafter, on, to wit, December 6th, 1916, the said Ciro Connetto and Alfonzo Connetto, trading as aforesaid, were duly adjudicated bankrupts within the meaning and purview of the act of Congress of the United States of America; that thereafter regular proceedings for the administration of said bankrupt estate were had and that Maxwell Baxter having been [9] duly designated as trustee in bankruptcy for the estate of the said Ciro Connetto and Alfonzo Connetto, trading as aforesaid, and that thereafter, on, to wit, January 6, 1917, the said Maxwell Baxter so having been duly designated as trustee of said estate as aforesaid, then and there duly qualified as such trustee and entered into a bond as such trustee, which said bond was thereafter duly approved by T. M. Shackelford, Jr., the said T. M. Shackelford, Jr., then and there being a Referee in Bankruptcy for said district; that after the filing of the said voluntary petition in bankruptcy and after the said

Ciro Connetto and Alfonzo Connetto, trading as aforesaid, had been duly adjudicated a bankrupt, but before the appointment and qualifications of said Maxwell Baxter as trustee in said bankruptcy proceedings, the said *Ciro Connetto* and *Alfonzo Connetto* unlawfully and fraudulently did conceal certain property belonging to the said estate in bankruptcy of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid and bankrupt as aforesaid, which said property consisted of and was in fact, to wit: Ten (10) cases of certain merchandise known and described as canned corn, the same then and there being corn put up and sealed ready for sale in tin cans and the same then and there being packed or enclosed in wooden cases or boxes, the said corn bearing the brand and being known as Extra Good Canned Corn, a further description of said goods being to the grand jurors unknown; that the said merchandise above described in fact belonged to the bankrupt estate of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, and was in their possession and under their control, and was concealed as aforesaid within the Southern District of Florida, to wit, December 5th, 1916, by them, the said *Ciro* [10] *Connetto* and *Alfonzo Connetto*, and that thereafter, after the qualification of the said Maxwell Baxter as trustee by giving bond as aforesaid, the said *Ciro Connetto* and *Alfonzo Connetto* have not, nor have either of them, disclosed to the said Maxwell Baxter the possession by them, the said *Ciro Connetto* and *Alfonzo Connetto*, of the said merchandise above described, and did not and

have not turned over and delivered to the said Maxwell Baxter, trustee as aforesaid, the said merchandise as above described, or accounted to him for the same; that at the time of the concealment by them, the said *Ciro Connetto* and *Alfonzo Connetto*, of the said merchandise above described, to wit:

Ten (10) cases of Extra Good Canned Corn, the same in fact belonged to the bankrupt estate of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, as they, the said *Ciro Connetto* and *Alfonzo Connetto*, then and there well knew, that no accounting has up to this day been made to the said Maxwell Baxter, trustee, of and for the said Ten (10) Cases of Extra Good Canned Corn above described; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

FOURTH COUNT.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That on, to wit, December 5th, 1916, in the district aforesaid and within the jurisdiction of this court [11] *Ciro Connetto* and *Alfonzo Connetto*, copartners trading and doing business as *C. Connetto & Brother*, filed a voluntary petition in bankruptcy; that thereafter, on, to wit, December 6th, 1916, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, were duly adjudicated bankrupts within the meaning and purview of the act of Congress of the United States of America; that thereafter regular proceedings for the administration of said bankrupt estate were had and that Maxwell Baxter having

been duly designated as trustee in bankruptcy for the estate of the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, and that thereafter, on, to wit, January 6, 1917, the said *Maxwell Baxter* so having been duly designated as trustee of said estate as aforesaid then and there duly qualified as such trustee and entered into a bond as such trustee, which said bond was thereafter duly approved by *T. M. Shackleford, Jr.*, the said *T. M. Shackleford, Jr.*, then and there being a Referee in Bankruptcy for said district; that after the filing of the said voluntary petition in bankruptcy and after the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, had been duly adjudicated a bankrupt, but before the appointment and qualifications of said *Maxwell Baxter* as trustee in said bankruptcy proceedings, the said *Ciro Conetto* and *Alfonzo Conetto* unlawfully and fraudulently did conceal certain property belonging to the said estate in bankruptcy of them, the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid and bankrupt as aforesaid, which said property consisted of and was in fact, to wit: Six (6) barrels of Granulated Sugar, a further description of said goods being to the grand jurors unknown; that the said merchandise above described in fact belonged to the bankrupt estate of them, [12] the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, and was in their possession and under their control, and was concealed as aforesaid within the Southern District of Florida, to wit, December 5th, 1916, by them, the said *Ciro Conetto* and *Alfonzo Conetto*,

and that thereafter, after the qualification of the said Maxwell Baxter as trustee by giving bond as aforesaid, the said *Ciro Connetto* and *Alfonzo Connetto* have not, nor have either of them, disclosed to the said Maxwell Baxter the possession by them, the said *Ciro Connetto* and *Alfonzo Connetto*, of the said merchandise above described, and did not and have not turned over and delivered to the said Maxwell Baxter, trustee as aforesaid, the said merchandise as above described, or accounted to him for the same; that at the time of the concealment by them, the said *Ciro Connetto* and *Alfonzo Connetto*, of the said merchandise above described, to wit: Six (6) barrels of Granulated Sugar, the same in fact belonged to the bankrupt estate of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, as they the said *Ciro Connetto* and *Alfonzo Connetto*, then and there well knew that no accounting has up to this date been made to the said Maxwell Baxter, trustee of and for the said Six (6) Barrels of Granulated Sugar above described; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America. [13]

FIFTH COUNT.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That on, to wit, December 5th, 1916, in the district aforesaid and within the jurisdiction of this court, *Ciro Connetto* and *Alfonzo Connetto*, copartners trading and doing business as *C. Connetto & Brother*, filed a voluntary petition in bankruptcy; that there-

after, on, to wit, December 6th, 1916, the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, were duly adjudicated bankrupts within the meaning and purview of the act of Congress of the United States of America; that thereafter regular proceedings for the administration of said bankrupt estate were had and that *Maxwell Baxter* having been duly designated as trustee in bankruptcy for the estate of the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, and that thereafter, on, to wit, January 6, 1917, the said *Maxwell Baxter*, so having been duly designated as trustee of said estate as aforesaid, then and there duly qualified as such trustee and entered into a bond as such trustee, which said bond was thereafter duly approved by *T. M. Shackleford, Jr.*, the said *T. M. Shackleford, Jr.*, then and there being a Referee in Bankruptcy for said district; that after the filing of said voluntary petition in bankruptcy and after the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, had been duly adjudicated a bankrupt, but before the appointment and qualifications of said *Maxwell Baxter* as trustee in said bankruptcy proceedings, the said *Ciro Conetto* and *Alfonzo Conetto* unlawfully and fraudulently did conceal certain property belonging to the said estate in bankruptcy of them, [14] the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid and bankrupt as aforesaid, which said property consisted of and was in fact, to wit: Seven (7) sacks of certain merchandise known as and described as Cuban Rice, the same then and there being put up and packed in sacks

weighing approximately 300 pounds each, a further description of said goods being to the grand jurors unknown; that the said merchandise above described in fact belonged to the bankrupt estate of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, and was in their possession and under their control, and was concealed as aforesaid within the Southern District of Florida, to wit, December 5th, 1916, by them, the said *Ciro Connetto* and *Alfonzo Connetto*, and that thereafter, after the qualification of the said *Maxwell Baxter* as trustee by giving bond as aforesaid, the said *Ciro Connetto* and *Alfonzo Connetto* have not, nor have either of them, disclosed to the said *Maxwell Baxter* the possession by them, the said *Ciro Connetto* and *Alfonzo Connetto*, of the said merchandise above described, and did not and have not turned over and delivered to the said *Maxwell Baxter*, trustee as aforesaid, the said merchandise as above described, or accounted to him for the same; that at the time of the concealment by them, the said *Ciro Connetto* and *Alfonzo Connetto*, of the said merchandise, to wit, Seven (7) sacks of Cuban Rice above described, the same in fact belonged to the bankrupt estate of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, as they, the said *Ciro Connetto* and *Alfonzo Connetto* then and there well knew, that no accounting has up to this date been made to the said *Maxwell Baxter*, trustee, of and for the said Seven (7) sacks of Cuban Rice above described; contrary to the form of [15] the statute in such case made

and provided and against the peace and dignity of the United States of America.

SIXTH COUNT.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That on, to wit, December 5th, 1916, in the district aforesaid and within the jurisdiction of this court, *Ciro Conetto* and *Alfonzo Conetto*, copartners trading and doing business as *C. Conetto & Brother*, filed a voluntary petition in bankruptcy; that thereafter, on, to wit, December 6th, 1916, the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, were duly adjudicated bankrupts within the meaning and purview of the act of Congress of the United States of America; that thereafter regular proceedings for the administration of said bankrupt estate were had and that *Maxwell Baxter* having been duly designated as trustee in bankruptcy for the estate of the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, and that thereafter, on, to wit, January 6, 1917, the said *Maxwell Baxter* so having been duly designated as trustee of said estate as aforesaid then and there duly qualified as such trustee and entered into a bond as such trustee, which said bond was thereafter duly approved by *T. M. Shackleford, Jr.*, the said *T. M. Shackleford, Jr.*, then and there being a Referee in Bankruptcy for said district; that after the filing of the said voluntary petition in bankruptcy and after the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, had been duly [16] adjudicated a bankrupt, but before the appointment and qualification of said

Maxwell Baxter as trustee in said bankruptcy proceedings, the said *Ciro Connetto* and *Alfonzo Connetto* unlawfully and fraudulently did conceal certain property belonging to the said estate in bankruptcy of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid and bankrupt as aforesaid, which said property consisted of and was in fact, to wit: Twenty-five (25) sacks of a certain merchandise known and described as *American Rice*, the same then and there being put up and packed in sacks weighing approximately 100 pounds each, a further description of said goods being to the grand jurors unknown; that the said merchandise above described in fact belonged to the bankrupt estate of them, the said *Ciro Connetto* and *Alfonzo Connetto*, trading as aforesaid, and was in their possession and under their control, and was concealed as aforesaid within the *Southern District of Florida*, to wit, *December 5th, 1916*, by them, the said *Ciro Connetto* and *Alfonzo Connetto*, and that thereafter, after the qualification of the said *Maxwell Baxter* as trustee by giving bond as aforesaid, the said *Ciro Connetto* and *Alfonzo Connetto* have not, nor have either of them, disclosed to the said *Maxwell Baxter* the possession by them, the said *Ciro Connetto* and *Alfonzo Connetto* of the said merchandise above described, and did not and have not turned over and delivered to the said *Maxwell Baxter*, trustee as aforesaid, the said merchandise above described, or accounted to him for the same; that at the time of the concealment by them, the said *Ciro Connetto* and *Alfonzo Connetto*, of the said merchandise, to wit: *Twenty-five*

(25) sacks of American Rice above described, the same in fact belonged to [17] the bankrupt estate of them, the said *Ciro Conetto* and *Alfonzo Conetto*, trading as aforesaid, as they, the said *Ciro Conetto* and *Alfonzo Conetto*, then and there well knew, that no accounting has up to this date been made to the said *Maxwell Baxter*, trustee, of and for the said 25 sacks of American Rice, above described; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

HERBERT S. PHILLIPS,
United States Attorney.

[Endorsed]: United States District Court, Southern District of Florida. United States of America vs. *Ciro Conetto*, *Alfonzo Conetto*. Indictment. Concealing Assets from Trustee in Bankruptcy. A true bill. *J. G. Anderson*, Foreman. Filed 21st day of February, A. D. 1917. *Edwin R. Williams*, Clerk. Bail, 1000.00. *Rhydon M. Call*, Judge. [18]

United States District Court, Southern District of Florida.

United States of America,
Southern District of Florida.

I, *Edwin R. Williams*, Clerk of the United States District Court, in and for the Southern District of Florida, and as such the legal custodian of the records and files of said court, do hereby certify the foregoing to be a true and correct copy of the original indictment, in the case of United States of America vs. *Ciro Conetto* and *Alfonzo Conetto*

which said indictment was returned in open court by a grand jury duly impaneled, sworn and charged to inquire within and for the Southern District of Florida, at a regular term of said court, convened and held at the City of Tampa, on February 21st, 1917, as the same now appears of record and on file in this office.

In witness whereof I hereunto set my hand and affix the official seal of this Court at Jacksonville, in said District, the 28th day of July, 1917.

[Seal] EDWIN R. WILLIAMS,
Clerk U. S. Dist. Court, Southern Dist. of Florida.

[19]

AND BE IT FURTHER REMEMBERED, that it was then and there stipulated by and between counsel for the respective parties that said indictment constituted and was all of the evidence adduced by either party at the hearing before said commissioner and that said commitment and order were based solely and exclusively upon said copy of said indictment, except that the identity of the said *Ciro Conetto* was admitted.

AND BE IT FURTHER REMEMBERED that said commitment and order and said indictment are and constitute all the records and evidence adduced by either party upon the hearing before this Court.

AND BE IT FURTHER REMEMBERED that upon the introduction of said commitment, and order and said indictment the Government rested.

AND BE IT FURTHER REMEMBERED, that the defendant by his counsel, then and there objected to said motion for the removal of this defendant and

to the issuance of any order or warrant of removal upon the following grounds, to wit:

1. Because the above-entitled court did not have the jurisdiction to issue a warrant of removal in the above-entitled cause.

2. Because the said indictment on which said application for an order and warrant of removal was based did not set forth facts sufficient to constitute a public offense.

3. Because said indictment did not charge this defendant with an offense against the laws of the United States.

4. Because said indictment was in substance uncertain in the following respects:

(a) Because it could not be ascertained therefrom whether or not the said *Ciro Conetto* was or ever had been adjudicated a bankrupt.

(b) Because it could not be ascertained therefrom whether or not a trustee in bankruptcy was or ever had been appointed for any estate in bankruptcy of the said *Ciro Conetto*.

(c) Because it could not be ascertained therefrom whether or not the said *Ciro Conetto* while a bankrupt or after his discharge, concealed from his trustee in bankruptcy any of the property belonging to his estate in bankruptcy. [20]

(d) Because it could not be ascertained therefrom whether or not any of the alleged assets of the alleged bankrupt estate were ever concealed from the alleged trustee in bankruptcy.

5. That there was no reasonable or probable cause

to believe the defendant guilty as charged in said indictment.

6. That the allegations contained in said indictment were not sufficient in law to justify the granting and issuing of a warrant of removal.

7. That the first, second, third, fourth, fifth and sixth counts of said indictment, and each of them, were insufficient upon which to issue a warrant of removal and failed to charge the defendant *Ciro Conetto* with the commission of a public offense or an offense against the laws of the United States for the same reasons and in the same respects set forth and alleged as to the said indictment.

AND BE IT FURTHER REMEMBERED, that the Court, having heard the objections of the defendant and the arguments of counsel, ordered the said matter submitted for its decision.

AND BE IT FURTHER REMEMBERED, that thereafter, to wit, on the 29th day of September, 1917, the above-entitled court ordered that the objections of the defendant to the said motion for a warrant of removal be and the same were overruled and denied, and the Court granted the motion of the plaintiff herein for an order removing the defendant from the said Northern District of California to the said Southern District of Florida and ordered the issuance of a warrant of removal to which order and judgment the defendant then and there excepted, which exception was then and there allowed.

And thereupon the Court entered its judgment and issued a warrant of removal in words and figures as follows, to wit:

Warrant of Removal.

“United States of America,
Northern District of California,—ss.

The President of the United States of America: To
the Marshal of the United States, for the North-
ern District of California, and his Deputies, or
any or either of [21] them, Greeting:

“WHEREAS, it has been made to appear that
Ciro Conetto has been charged before a United States
Commissioner, for the Northern District of Cali-
fornia, with a violation of Section 29, Clause ‘B,’
Sub. 1, of the Bankruptcy Act of 1898, for concealing
from the trustee in bankruptcy from the estate of
Ciro Conetto, a bankrupt, certain property belong-
ing to the estate of said bankrupt.

WHEREAS, the said United States Commissioner
has committed said *Ciro Conetto* to appear for trial
before the District Court of the United States, for
the Southern District of Florida and has fixed his
bail in the sum of One Thousand (\$1,000.00) Dollars
which he has been unable to furnish.

NOW, THEREFORE, YOU ARE HEREBY
COMMANDED to take the body of the said *Ciro
Conetto* and safely deliver him into the custody of the
Marshal of the United States, for the said Southern
District of Florida to be then and there dealt with
according to law. And do you then and there deliver
to the United States District Court for the Southern
District of Florida which has, by law, cognizance of
the offense, this WRIT, with your return endorsed
thereon.

Given under my hand this 29th day of September,
A. D. 1917.

WILLIAM C. VAN FLEET,
Judge of the United States District Court for the
Northern District of California." [22]

And now in furtherance of justice and that right may be done the defendant tenders and presents the foregoing as his Bill of Exceptions in the above-entitled cause, and prays that the same may be settled and allowed, and that the same may be signed and certified to by the above-entitled court and become and be made a part of the record in the above-entitled cause.

NATHAN C. COGHLAN,
Attorney for Defendant.

Stipulation Re Bill of Exceptions.

It is hereby stipulated that the foregoing Bill of Exceptions, having been served and filed within the time allowed by law, is full, true and correct, and contains all the evidence introduced at the said hearing, and that the same may be settled and allowed by the Judge of the above-entitled court.

JNO. W. PRESTON,
United States Attorney.

NATHAN C. COGHLAN,
Attorney for Defendant.

Order Settling and Allowing Bill of Exceptions.

The foregoing Bill of Exceptions having been served, filed and presented for settlement within the time allowed by law, and being full, true and correct, and containing all the evidence introduced at the said

hearing, the same is hereby settled and allowed.
Dated this 9th day of November, 1917.

WM. C. VAN FLEET,
District Judge.

Due service of the within Bill of Exceptions is admitted this 26th day of October, 1917.

JNO. W. PRESTON,
United States Attorney.

[Endorsed]: Lodged Oct. 26, 1917. W. B. Maling, Clerk. By T. L. Baldwin, Deputy Clerk. Filed Nov. 9, 1917, at 2 o'clock and 30 min. P. M. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [23]

At a stated term of the District Court of the United States, for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, State of California, on Thursday, the 13th day of September, in the year of our Lord one thousand nine hundred and seventeen. Present: The Honorable WM. C. VAN FLEET, Judge.

No. 213 (United States Commissioner Case). 2-11-17

UNITED STATES OF AMERICA

vs.

CIRO CONNETTO.

Minutes of Court—September 13, 1917—Order Continuing Hearing on Motion for Removal of Defendant.

In this case, after hearing Mrs. A. A. Adams, Assistant United States Attorney for the Northern District of California, N. C. Coghlan, Esq., appear-

ing as attorney for defendant, the Court ordered that this case be, and the same is hereby continued to September 15th, 1917, for hearing of the matter of the removal of defendant to the jurisdiction of the United States District Court for the Southern District of Florida, at Jacksonville, Florida, to answer the charge of having on or about the 5th day of December, 1916, at the said City of Jacksonville, in the Southern District of Florida, violated Section 26, Clause B, Sub. 1, of the Bankruptcy Act of 1898, viz: concealing from the trustee in bankruptcy from the estate of *Ciro Connetto*, a bankrupt, certain property belonging to the said estate of said bankrupt.

[24]

At a stated term of the District Court of the United States, for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, State of California, on Saturday, the 15th day of September, in the year of our Lord one thousand nine hundred and seventeen. Present: The Honorable WM. C. VAN FLEET, Judge.

No. 213 (United States Commissioner Case).

UNITED STATES OF AMERICA

vs.

CIRO CONNETTO.

Minutes of Court—September 15, 1917—Order Continuing Hearing on Motion for Warrant of Removal.

This case came on regularly this day for hearing

of the application for a warrant of removal herein. Thereupon, after hearing attorneys for respective parties, the Court ordered that said matter be, and the same is hereby, continued to Monday, September 17th, 1917, at 2'clock P. M. [25]

At a stated term of the District Court of the United States, for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, on Monday, the 17th day of September, in the year of our Lord one thousand nine hundred and seventeen. Present: The Honorable WM. C. VAN FLEET, Judge.

No. 213 (United States Commissioner Case).

UNITED STATES OF AMERICA

vs.

CIRO CONNETTO.

Minutes of Court—September 17, 1917—Order Submitting Motion for Order of Removal.

This case came on regularly this day for hearing on the motion for order removing defendant herein to the jurisdiction of the United States District Court for the Southern District of Florida, at Jacksonville, Florida, to answer the charge of having on or about the 5th day of December, 1916, at the said City of Jacksonville, in the said Southern District of Florida, violated Section 26, Clause B, Sub. 1 of the Bankruptcy Act of 1898, viz: concealing from the trustee in bankruptcy from the estate of *Ciro Conetto*, a bankrupt, certain property belonging to the said

estate of said bankrupt. Thereupon, after hearing N. C. Coghlan, Esq., attorney for said defendant, and Mrs. A. A. Adams, Assistant United States Attorney for the Northern District of California, the Court ordered that said matter be, and the same is hereby, submitted. [26]

At a stated term of the District Court of the United States, for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, State of California, on Saturday, the 29th day of September, in the year of our Lord one thousand nine hundred and seventeen. Present: The Honorable WM. C. VAN FLEET, Judge.

No. 213 (United States Commissioner Case).

UNITED STATES OF AMERICA

vs.

CIRO CONNETTO.

**Minutes of Court—September 29, 1917—Order
for Warrant of Removal, etc.**

The Court this day ordered that the objection to removal of defendant to the jurisdiction of the United States District Court for the Southern District of Florida and the issuance of a Warrant of Removal overruled and that defendant herein be allowed an exception to said Order. Further ordered that a Warrant of Removal issue accordingly and that his bond for his appearance herein be, and the same is hereby fixed in the sum of One Thousand (1000) Dollars.

Further ordered, on motion of attorney for defendant, that execution be, and the same is hereby stayed for the period of five (5) days and that defendant remain at large on the bond heretofore given for his appearance herein. [27]

In the District Court of the United States, in and for the Northern District of California, First Division.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIRO CONETTO,

Defendant.

Petition for Writ of Error.

To the Honorable WILLIAM W. MORROW, Judge of the Circuit Court of the United States for the Northern District of California.

Now comes *Ciro Conetto*, defendant herein, by *Nathan C. Coghlan*, his attorney, and says that on the 29th day of September, 1917, this Court entered order and judgment herein against this defendant, in which judgment and the proceedings had prior thereto in this cause certain errors were committed to the manifest prejudice of this defendant, all of which will more fully appear from the Assignment of Errors which is filed with this petition.

WHEREFORE, this defendant prays that a Writ of Error may issue in this behalf out of the United States Circuit Court of Appeals for the Ninth Circuit, for the correction of the errors so complained

of, and that a transcript of the record, proceedings and papers in this case, duly authenticated, may be sent to the Circuit Court of Appeals aforesaid.

CIRO CONETTO,

Defendant.

NATHAN C. COGHLAN,

Attorney for Defendant.

[Endorsed]: Filed Oct. 11, 1917. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [28]

In the District Court of the United States, in and for the Northern District of California, First Division.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIRO CONETTO,

Defendant.

Assignment of Errors.

Ciro Conetto, defendant in the above-entitled cause, by Nathan C. Coghlan, his attorney, in connection with his petition for a Writ of Error, makes and files the following Assignment of Errors upon which he will rely in the prosecution of his Writ of Error in the above-entitled cause to the United States Circuit Court of Appeals for the Ninth Circuit, from the order and judgment made by this Honorable Court on the 29th day of September, 1917.

I.

That the Court erred in ordering United States marshal for the Northern District of California to

take the body of *Ciro Conetto* and delivering him into the custody of the marshal of the United States, for the Southern District of Florida.

II.

That the Court erred in holding that it had jurisdiction to issue a warrant of removal in the above-entitled cause.

III.

That the Court erred in holding that the indictment on which said application for the removal of defendant was based, set forth facts sufficient to constitute a public offense.

IV.

That the Court erred in holding that said indictment charged defendant with an offense against the laws of the United States. [29]

V.

That the Court erred in refusing to hold that the said indictment was in substance uncertain in the following respects:

1. Because it cannot be ascertained therefrom whether or not the said *Ciro Conetto* is or ever has been adjudicated a bankrupt.

2. Because it cannot be ascertained therefrom whether or not a trustee in bankruptcy is or ever has been appointed for any estate in bankruptcy of the said *Ciro Conetto*.

3. Because it cannot be ascertained therefrom whether or not the said *Ciro Conetto*, while a bankrupt, or after his discharge, concealed from his trustee in bankruptcy any of the property belonging to his estate in bankruptcy.

4. Because it cannot be ascertained therefrom whether or not any of the alleged assets of the alleged bankrupt estate were ever concealed from the alleged trustee in bankruptcy.

VI.

That the Court erred in holding that there was probable cause to believe defendant guilty as charged in said indictment.

VII.

That the Court erred in not discharging defendant from the custody of the United States Marshal for the Northern District of California.

VIII.

That the Court erred in its rulings as to the first, second, third, fourth, fifth and sixth counts of said indictment, and each of them, in the same respects as herein alleged as to said indictment. [30]

IX.

That the Court erred in holding that the allegations contained in said indictment were sufficient in law to justify the granting and issuing of a warrant of removal.

WHEREFORE, defendant in the above-entitled cause and plaintiff in error in the Writ of Error to the United States Circuit Court of Appeals, prays that the said order and judgment of the United States District Court, in and for the Northern District of California made and entered herein, in the office of the clerk of said court on the 29th day of September, 1917, ordering the removal of said *Ciro Conetto* be reversed, and that the said *Ciro Conetto* be discharged from custody.

Dated this 11 day of October, 1917.

CIRO CONETTO,

Defendant.

NATHAN C. COGHLAN,

Attorney for Defendant.

[Endorsed]: Filed Oct. 11, 1917. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [31]

*In the District Court of the United States, in and for
the Northern District of California, First Divi-
sion.*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIRO CONETTO,

Defendant.

**Order Allowing Writ of Error and Settling Amount
of Supersedeas Bond.**

On motion of Nathan C. Coghlan, attorney for
plaintiff in error in the above-entitled cause,—

IT IS HEREBY ORDERED THAT a Writ of
Error to the United States Circuit Court of Appeals
for the Ninth Circuit from an order and judgment
heretofore made and entered herein be and the same
is hereby allowed, and that a certified transcript of
the records, proceedings and documents, and all of
the papers upon which said judgment and order were
based, be forthwith transmitted to the United States
Circuit Court of Appeals for the Ninth Circuit, in
the manner and time prescribed by law, and that
said defendant furnish bail on said Writ of Error

in the sum of \$1000, the same to operate as a super-sedeas bond.

Dated this 11th day of October, 1917.

WM. W. MORROW,
Circuit Judge.

[Endorsed]: Filed Oct. 11, 1917. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [32]

*In the District Court of the United States, in and for
the Northern District of California, First Division.*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIRO CONETTO,

Defendant.

**Order Extending Time to File Record and Docket
Cause to and Including December 10, 1917.**

On motion of Nathan C. Coghlan, attorney for the defendant, and good cause therefore appearing it is ordered that the time for filing the record in the above-entitled cause and the time to docket said case in the United States Circuit Court of Appeals for the Ninth Circuit be and the same is hereby extended to and including the 10th day of December, 1917.

Done in open court this 9th day of November, 1917.

WM. C. VAN FLEET,
Judge.

[Endorsed]: Filed Nov. 9, 1917, at 2 o'clock and 30 min. P. M. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [33]

Bond to Appear on Writ of Error.

UNITED STATES OF AMERICA.

Northern District of California,—ss.

BE IT REMEMBERED, That on this 11th day of October, in the year of our Lord one thousand nine hundred and seventeen before the undersigned, a United States Commissioner, duly appointed by the United States District Court for the Northern District of California, to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes depending in the courts of the United States, pursuant to the acts of Congress, in that behalf, personally appeared, *Ciro Conetto*, as principal, and *National Surety Company*, as surety, and jointly and severally acknowledged themselves to be indebted to the United States of America in the sum of One Thousand (\$1000) Dollars, separately to be levied and made out of their respective goods and chattels, lands and tenements, to the use of the said United States of America.

The conditions of the above recognizance is such, that whereas, an indictment has been found by the grand jury of the United States for the Southern District of Florida and filed on the 21st day of February, A. D. 1917, in the United States District Court for the Southern District of Florida, charging the said *Ciro Conetto* with Violation Sec. 26 B, Subdivision One, Bankruptcy Act 1898, concealing assets from his trustee in bankruptcy, committed on or about the 5th day of December, A. D. 1916, to wit, at the District aforesaid, contrary to the form of the statute of the United States of America, in such case made and provided.

AND WHEREAS, the said *Ciro Conetto* has been required to give a recognizance, with sureties, in the sum of One Thousand (\$1000) Dollars for his appearance, pending the determination of Writ of [34] Error, to the United States Circuit Court of Appeals for the Ninth Circuit;

NOW, THEREFORE, if the said *Ciro Conetto* shall personally appear at the Southern Division of the United States District Court for the Northern District of California, First Division, to be holden at the courtroom of said court, in the city of San Francisco and said Circuit Court of Appeals when required, and afterwards whenever or wherever he may be required to answer the said indictment and all matters and things that may be objected against him whenever the same may be prosecuted, and render himself amenable to any and all lawful orders and process in the premises, and not depart the said courts without leave first obtained, and if he shall appear for judgment and render himself in execution thereof upon determination of said Writ of Error, then this recognizance shall be void, otherwise, to remain in full effect and virtue.

Acknowledged before me the day and year first above written.

[Seal]

FRANCIS KRULL,

United States Commissioner for the Northern District of California, at San Francisco.

CIRO CONETTO.

[Seal]

NATIONAL SURETY COMPANY.

By C. T. HUGHES,

Its Attorney in Fact.

[Endorsed]: Filed Oct. 11, 1917. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [35]

Certificate of Clerk U. S. District Court to Transcript on Writ of Error.

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing 35 pages, numbered from 1 to 35, inclusive, contain a full, true and correct transcript of certain records and proceedings, in the case of United States of America, vs. *Ciro Conetto*, No. 213 (U. S. Commissioners' Cases), as the same now remain on file and of record in the office of the clerk of said District Court; said transcript having been prepared pursuant to and in accordance with the "Praeceptum for Transcript of Record," (copy of which is embodied in this transcript), and the instructions of the attorney for defendant and appellant herein.

I further certify that the cost for preparing and certifying the foregoing transcript on Writ of Error is the sum of Fourteen Dollars and Eighty Cents (\$14.80), and that the same has been paid to me by the attorney for the appellant herein.

Annexed hereto is the Original Citation on Writ of Error (page 41), and the Original Writ of Error (page 37), with the Return of the said District Court to said Writ of Error attached thereto, (page 40).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court,

this 10th day of December, A. D. 1917.

[Seal]

WALTER B. MALING,

Clerk.

By C. M. Taylor,

Deputy Clerk. [36]

*In the District Court of the United States, in and for
the Northern District of California, First Divi-
sion.*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIRO CONETTO,

Defendant.

Writ of Error.

The President of the United States of America to
the Honorable Judges of the District Court
of the United States in and for the Northern
District of California, First Division, GREET-
ING:

Because in the record and proceedings, as also in
the rendition of the judgment and order, of a
cause which is in the said District Court before you,
or some of you, between United States of America,
plaintiff, and Ciro Conetto, defendant, manifest er-
ror has happened to the great damage of the said
Ciro Conetto, defendant, as appears by the petition
herein,

We, being willing that error, if any, should be
duly corrected, and full and speedy justice be done to
the parties aforesaid, in this behalf, do command
you, if judgment be given therein, that then under

your seal, distinctly and openly, you send the record and proceedings aforesaid with all things concerning the same to the United States Circuit Court of Appeals for the Ninth Circuit in the City of San Francisco in the State of California, together with this Writ so as to have the same at the said place in court on the 11th day of November, 1917, that the record and proceedings aforesaid being inspected, the said Circuit Court of [37] Appeals may cause further to have done therein to correct the errors, what of right, and according to the laws and customs of the United States should be done.

Witness the Hon. EDWARD D. WHITE, Chief Justice of the Supreme Court of the United States, this 13 day of October, 1917.

ATTEST my hand and seal of the District Court for the Northern District of California on the day and year last above written.

[Seal]

WALTER B. MALING,
Clerk.

By C. W. Calbreath,
Deputy Clerk.

Allowed this 13th day of October, 1917.

WM. C. VAN FLEET,
Judge. [38]

[Endorsed]: No. 213. In the District Court of the United States, in and for the Northern District of California, First Division. United States of America, Plaintiff, vs. *Ciro Conetto*, Defendant. Writ of Error. Filed Oct. 13, 1917. W. B. Maling, Clerk. C. M. Taylor, Deputy Clerk. [39]

Return to Writ of Error.

The Answer of the Judges of the District Court of the United States of America, for the Northern District of California, to the within Writ of Error.

As within we are commanded, we certify under the seal of our said District Court, in a certain schedule to this Writ annexed, the record and all proceedings of the plaint whereof mention is within made with all things touching the same, to the United States Circuit Court of Appeals, for the Ninth Circuit, within mentioned, at the day and place within contained.

We further certify that a copy of this Writ was on the 13th day of October, A. D. 1917, duly lodged in the case in this court for the within-named defendant in error.

By the Court:

[Seal]

WALTER B. MALING,

Clerk, United States District Court, Northern District of California.

By C. M. Taylor,

Deputy Clerk. [40]

In the District Court of the United States, in and for the Northern District of California, First Division.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIRO CONETTO,

Defendant.

Citation on Writ of Error.

The President of the United States of America, to the United States of America and JOHN W. PRESTON, United States Attorney for the Northern District of California:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, at the City of San Francisco in the State of California within thirty days from the date hereof, pursuant to a Writ of Error filed in the clerk's office of the Southern Division of the District Court of the United States for the Northern District of California, wherein *Ciro Conetto* is plaintiff in error and the United States of America is defendant in error, to show cause, if any there be, why judgment in the said Writ of Error mentioned should not be corrected and speedy justice should not be done in that behalf.

Witness, the Hon. EDWARD D. WHITE, Chief Justice of the United States Supreme Court, this 13th day of October, 1917.

WM. C. VAN FLEET,
Judge. [41]

Due service of the within Citation admitted this 13th day of October, 1917.

JOHN W. PRESTON,
United States Attorney.
C. G. H.

[Endorsed]: No. 213. In the District Court of the United States, in and for the Northern District of

California, First Division. United States of America, Plaintiff, vs. Ciro Conetto, Defendant. Citation on Writ of Error. Filed Oct. 13, 1917. W. B. Maling, Clerk. C. M. Taylor, Deputy Clerk.

[Endorsed]: No. 3087. United States Circuit Court of Appeals for the Ninth Circuit. Ciro Conetto, Plaintiff in Error, vs. The United States of America, Defendant in Error. Transcript of Record. Upon Writ of Error to the Southern Division of the United States District Court of the Northern District of California, First Division.

Filed December 10, 1917.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.

